

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

2006 MAR -6 AM 8:58

ROBERT J. PLATO, JR., :
 :
 Petitioner, :
 : Case No. 3:06cv00032
 :
 vs. : District Judge Walter Herbert Rice
 : Magistrate Judge Sharon L. Ovington
 :
 LEBANON CORRECTIONAL :
 INSTITUTION, :
 :
 Respondent, :

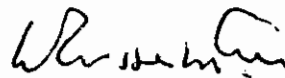
DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS FILED ON FEBRUARY 3, 2006 (Doc. #3); DENYING AND DISMISSING ROBERT J. PLATO, JR.'S PETITION FOR WRIT OF HABEAS CORPUS (Doc. #2); DENYING A CERTIFICATE OF APPEALABILITY UNDER 28 U.S.C. §2253(c); AND TERMINATING CASE ON THE DOCKET OF THIS COURT

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on February 3, 2006 (Doc. #3) is **ADOPTED** in full;
2. Robert J. Plato, Jr.'s Petition for Writ of Habeas Corpus (Doc. #2) is **DENIED** and **DISMISSED**;

3. A certificate of appealability under 28 U.S.C. §2253(c) is DENIED; and
4. This case is terminated on the docket of this Court.

A handwritten signature in black ink, appearing to read "W. Herbert Rice", is positioned above a horizontal line.

Walter Herbert Rice
United States District Judge